

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 476

Validation under the Plenary Powers of the generic
name *Phillipsinella* Novák, 1886 (Class Trilobita)

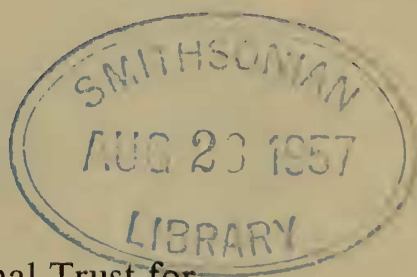
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 476

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Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

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Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 476

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "PHILLIPSINELLA" NOVÁK, 1886 (CLASS TRILOBITA)

RULING :—(1) Under the Plenary Powers the generic name *Phillipsella* Oehlert, 1886, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1198 :—

Phillipsinella Novák, 1886, as validated under the Plenary Powers in (1) above (gender : feminine) (type species, by original designation : *Phacops parabola* Barrande, 1846)

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1327 :—

parabola Barrande, 1846, as published in the combination *Phacops parabola* (specific name of type species of *Phillipsinella* Novák, 1886)

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

(a) *Phillipsinella* Novák, 1885 (invalid because distributed in 1885 only as a preprint) (Name No. 958) ;

(b) *Phillipsella* Oehlert, 1886, as suppressed under the Plenary Powers in (1) above) (Name No. 959).

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 183 :—

PHILLIPSINELLIDAE Whittington (H.B.), 1950 (type genus : *Phillipsinella* Novák, 1886).

I. THE STATEMENT OF THE CASE

On 18th March 1953 Dr. H. B. Whittington (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) addressed a preliminary communication to the Office of the Commission on the question of the possible use by the Commission of the Plenary Powers for the purpose of validating the generic name *Phillipsinella* Novák, 1886, as against its slightly older but little-used objective synonym *Phillipsella* Oehlert, 1886 (Class Trilobita). This led to the formal submission to the

International Commission on Zoological Nomenclature by Dr. Whittington of the following application on 15th July 1955 :—

**Proposed use of the Plenary Powers to suppress the generic name
“*Phillipsella*” Oehlert, 1886, and proposed addition of the name
“*Phillipsinella*” Novák, 1886 (Class Trilobita) to the
“Official List of Generic Names in Zoology”**

By H. B. WHITTINGTON, D.Sc.

(*Museum of Comparative Zoology, Harvard University, Cambridge,
Massachusetts, U.S.A.*)

The purpose of the present application is to ask the International Commission to take the action needed to ensure that the name *Phillipsinella* Novák (Class Trilobita) shall be the oldest available name for the genus to which it has been universally applied for the last seventy years.

2. The generic name *Phillipsinella* Novák, 1886 (: 583) was proposed (by original designation) for the type species *Phacops parabola* Barrande, 1846 (: 6—7), which type species had been referred by Barrande (1852 : 477—478) to the genus *Phillipsia* Portlock, 1843.

3. The generic name *Phillipsella* Oehlert, 1886 (: 125—126) was proposed (by original designation) for the same type species, *Phacops parabola* Barrande.

4. *Phillipsinella* Novák, 1886, and *Phillipsella* Oehlert, 1886, are therefore objective synonyms. Each of the names was published in a volume of a journal, the volume apparently being published as an entity, not in parts, the title page bearing the date 1886.

5. Novák's paper was read before the Böhm. Gesell Wiss. on 27th November 1885, and a preprint was distributed bearing the date 1885 on the cover and page in explanation of the plate. The question of the status of names published in preprints of papers that had been printed for publication in some serial publication or book was considered in Paris in 1948 by the Thirteenth International Congress of Zoology which inserted in the *Règles* a provision that names made public in this way do not thereby acquire the status of availability (see *Bull. zool. Nomencl.* 4 : 146). Accordingly, the name *Phillipsinella* Novák ranks for priority not from 1885 but from 1886, the year in which Novák's paper was duly published by the Society in its *SitzBer.*

6. The preprint was apparently seen by Oehlert, and a note added at the end of the article (: 141—142) giving the date of *Phillipsinella* Novák as 1885, and stating that the name *Phillipsella* Oehlert must fall into synonymy. Since 1886 authors have accepted this opinion, consistently using Novak's name, and rarely referring to Oehlert's.

7. A family name based upon *Phillipsinella* Novák, 1886, was proposed by myself in my paper entitled "Sixteen Ordovician Genotype Trilobites" (1950, *J. Paleont.* **24** : 559—561), i.e. PHILLIPSINELLIDAE. This name is currently accepted (e.g. by Hupé (P.), 1953, Trilobites in *Traité de Paléontologie* (ed. J. Piveteau) **3** : 224) and will be used in the forthcoming *Treatise on Invertebrate Paleontology*. I recommend that this name should now be placed on the *Official List*.

8. In view of these facts, I ask the International Commission on Zoological Nomenclature :

- (1) to use its Plenary Powers to suppress the generic name *Phillipsella* Oehlert, 1886, for the purposes of the Law of Priority but not for those of the Law of Homonymy.
- (2) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Phillipsinella* Novák, 1886 (gender : feminine) (type species, by original designation : *Phacops parabola* Barrande, 1846) ;
- (3) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
 - (a) *Phillipsinella* Novák, 1885 (invalid because only distributed in that year in a pre-print) ;
 - (b) *Phillipsella* Oehlert, 1886, as suppressed under the Plenary Powers under (1) above ;
- (4) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *parabola* Barrande, 1846, as published in the combination *Phacops parabola* (specific name of type species of *Phillipsinella* Novák, 1886) ;
- (5) to place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* : PHILLIPSINELLIDAE Whittington (H.B.), 1950 (type genus : *Phillipsinella* Novák, 1886).

References

- Barrande, J., 1846. *Nouveaux Trilobites. Supplément à la Notice Préliminaire sur le Système Silurien et les Trilobites de Bohême*. Prague : 1—40
- , 1852. *Système Silurien du Centre de la Bohême*, vol. 1. Prague and Paris
- Novák, O., 1886. Studien an Hypostomen böhmischer Trilobiten Nr. III. *SitzBer. böhm. Ges. Wiss.*, **1885** : 581—587, 1 pl.
- Oehlert, D., 1886. Étude sur Quelques Trilobites du Groupe des Proetidae. *Bull. Soc. Étud. Sci. Angers (N.S.)*, **15** : 121—143, 2 pls.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Whittington's application the question of the validation of the generic name *Phillipsinella* Novák, 1886, was allotted the Registered Number Z.N.(S.) 757.

3. Publication of the present application : The present application was sent to the printer on 23rd August 1955 and was published on 1st January 1956 in Part 9 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Whittington, 1956, *Bull. zool. Nomencl.* **11** : 283—284).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull Zool. Nomencl.* **4** : 51-56), Public Notice

of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given (a) in Part 9 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Whittington's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given to four general zoological serial publications and to three palaeontological serials in Europe and America.

5. Support received : Two communications in support of this application were received from interested specialists, one in the United Kingdom and one in the United States of America. These comments are reproduced in the immediately following paragraphs.

6. Support received from C. J. Stubblefield (Geological Survey and Museum, London) : On 28th November 1955 Dr. C. J. Stubblefield (*Geological Survey and Museum, London*) addressed the following letter to the Office of the Commission in support of the present case (Stubblefield, 1956, *Bull. zool. Nomencl.* **11** : 355) :—

I gladly support this application ; the generic name *Phillipsinella* is much used in Ordovician stratigraphical geology work for a trilobite having considerable geographical distribution in Europe. To replace this name by *Phillipsella* would not promote stability in nomenclature.

7. Support received from A. B. Shaw (Denver, Colorado, U.S.A.) : On 24th July 1956 Mr. A. B. Shaw (*Denver, Colorado, U.S.A.*) addressed the following letter to the Commission in support of the present case :—

I have read this proposition, and in view of the arguments presented I should like to state that I think the Plenary Powers should be exercised in the manner proposed by Dr. Whittington.

8. No objection received: No objection to any action proposed in the present case was received from the source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

9. Issue of Voting Paper V.P.(56)33 : On 27th July 1956 a Voting Paper (V.P.(56)33) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Phillipsinella* Novák, 1886, as set out in Points (1) to (5) in paragraph 8 on page 284 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

10. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 27th October 1956.

11. Particulars of the Voting on Voting Paper V.P.(56)33 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)33 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Bodenheimer ; Riley ; Sylvester-Bradley ;
Hering ; Vokes ; Mertens ; Bradley (J.C.) ; Esaki ;
Key ; Hankó ; Lemche ; Hemming ; Dymond ; Mayr ;
Miller ; do Amaral ; Bonnet ; Prantl ; Tortonese ;
Jaczewski ; Boschma ; Stoll ; Kühnelt ; Cabrera ;

(b) *Negative Votes* :

None ;

(c) *Voting Papers not returned* :

None.

12. Declaration of Result of Vote : On 28th October 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)33, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

13. Support by Christian Poulsen (Copenhagen) received after the declaration of the decision taken by the International Commission : On 1st November 1956 Professor Christian Poulsen (*Universitetets Mineralogisk-Geologiske Institut, Copenhagen*) addressed the following letter to the Office of the Commission in support of the present case :—

I accept the lines of argument put forward by Dr. H. B. Whittington in his application concerning *Phillipsella* Oehlert, 1886, and *Phillipsinella* Novák, 1886.

14. Preparation of the Ruling given in the present “ Opinion ” : On 2nd April 1957 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate

that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)33.

15. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

parabola, *Phacops*, Barrande, 1846, *Nouv. Trilob.*, Supp. Notice prélim. Syst. Silur. Trilob. Bohême : 6—7

Phillipsella Oehlert, 1886, *Bull. Soc. Étud. Sci. Angers* **15** (vol. for 1885) : 125—126

Phillipsinella Novák, 1885, *Stud. Hypostomen böhm. Trilob. Nr. III* : 3, 4—5

Phillipsinella Novák, 1886, *SitzBer. böhm. Ges. Wiss., Math.-naturw. Cl.* **1885** : 583

16. The following is the original reference for the family-group name placed on the *Official List of Family-Group Names in Zoology* by the Ruling given in the present *Opinion* :—

PHILLIPSINELLIDAE Whittington (H.B.), 1950, *J. Paleont.* **24** : 559—561

17. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

18. The present *Opinion* shall be known as *Opinion* Four Hundred and Seventy-Six (476) of the International Commission on Zoological Nomenclature.

DONE in London, this Second day of April, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING